

T H E
R E B E L L S
C A T E C H I S M E .

COMPOSED IN AN EASY
and Familiar way ;

To let them see

The Hainousnesse of their Offence,
the weaknesse of their strongest Subter-
fuge ; and to recall them to their
Duties, both to God and Man.

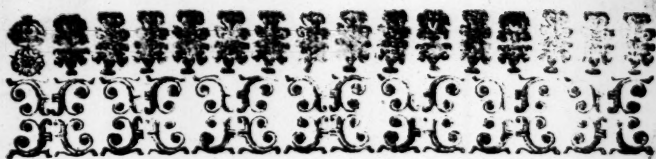
R O M. 13. 2.

*Whoever resisteth the Power, resisteth the Ordinance of
God : and they that resist, shall receive to themselves
Damnation.*

Printed 1644.

*It was printed by W. Baskley at York in Newcastles
House, near the Church of St. Andrew.*

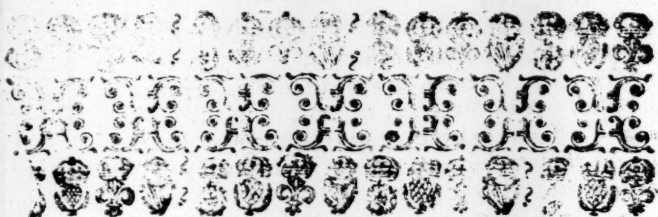
Harvard College Library
Coolidge Fund
October 25, 1939



To the Christian Subject.

R Eader, thou must not look for all things new, in a Poynt so agitated, so thoroughly discusſed and canvassed as this hath bene. Tis well if they who come behind both in time, and knowledge, adde any thing though it be but little, unto those before them. All I shall promise thee in this short discouſe, is that I have contracted into a narrow compaſſe, what I found ſcattered and diffuſed in many and thoſe larger Treatates: which I have offered to thy view in a more eaſie and familiar way then hath bene formerly preſented. And ſome thing thou ſhalt meet with here, which thou haſt not found in any other diſcourſes of this argument, beſides the faſhion and the dreſſe. Theſe are the moſt prevailing motives I can lay before thee, to tempt thee to the ſtudying of this Catechiſme: which if it ſhall confirme thee in thy duty unto God and the King, or reclaim thee from thy diſſections unto either of them, it is all I aime at. And ſo fare thee well.

March 25. 1644.



THE REBELLS

CATECHISME:

Composed in an Easie and Familiar way,
To let them see the hainousnesse of their
Offence, the weaknesse of their strongest
Subteruges; and recall them to their
duties both to God and Men.

a First part
of the Homi-
ly against
Rebellion.

Question. *Who was the first Author of Rebellion?*
Ans. *The first Author of Rebellion, a the root of all Vices and the mother of all mischief, (saith the Book of Homilies) was Lucifer, first Gods most excellent creature, and most bounden Subject, who by Rebelling against the Majesty of God; of the brightest and most glorious Angell, became the blackest and most fowlest fiend and Drivell, and from the height of Heaven is fallen into the pit and bottom of Hell.*

2. Quest. *How many sorts of Rebellions are there?*

Ans. Three most especial y, that is to say, the Rebellion of the Heart, the Rebellion of the Tongue, and the Rebellion of the Hand.

3. Quest. *What is the Rebellion of the Heart?*

Ans. The Rebellion of the Heart, is a rancorous swelling of the

the *Heart* against the authority and commands of the supreme power under which we live : which though it be so cunningly suppressed and smothered, that it breake not out either into words or deeds yet makes a malignity of *damnation* in the sight of God. And this is that of which the *Wise-man* tells us saying. *Curse not the King, no not in thy thought, for a bird of the aire shall carry the voyce, and that which hath wings shall tell the matter.* Ecc'el 10. v. 10.

4. Quest. *What is the Rebellion of the Tongue?*

Ans^r. The *Rebellion* of the *Tongue* is a malicious defaming of the person, Actions, parts, and government of those Sovereigne Princes to which the Lord hath made us *subiect*, of purpose to disgrace them amongst their people, to render them odious and contemptible, and consequently to excite their Subjects to rise up against them. Of this it is where of the Lord God commanded saying, *thou shalt not speake evill of the Ruler of thy People.* Exod. 21. 28. acknowledged for a divine precept by *S. Paul* Acts 23. 5. See to this purpose also that of *Solomon*, Prov. 24. ver. 1. where it is said. *It is not fit to say unto a King, thou art wicked;* And if it be not fit to *speake evill* to him, assuredly it is as unfit to *speake evill* of him. And finally of this it is that *Aristotle* the Philosopher tells us saying. He that speaks evill of the Magistrate offends against the Commonwealth. But I must let you know withall, that though this of the *tongue* be a distinct species of *Rebellion*, and so included in *Law*: yet many times this and the other of the *heart*, are but the ground and preparations to the *Rebellion* of the *hand*, or *actual Rebellion*, as they call it commonly. And this appears most plainly in the story of *Absolon*, whose *heart* first swelled against his Father, for being so difficult in restoring him to his *Court* and *Presence*, upon the murder which he had committed on his brother *Amnon*. (2 Sam. 14. v. 24. 28.) and his *tongue* found the way to disgrace his government, which he accused of *negligence* and *injustice*, to the common people (2 Sam. 15. v. 2, 3. &c.) before he bew the *trunper* and took arms against him, and made him *fight* with some few *servants*, from the Royall City, v. 14. but here we take it not for a *preparation*, but

b *Aristot.* in
Problem.
sect. 40.

for

for a species distinct, as before was said.

3. *Quest.* Why doe you call the livellings of the heart, and the revillings of the tongue by the name of Rebellion, considering that the Law which punisheth Rebellion with no lesse then death, doth take no cognizance of mens thoughts; and that when c Gervase Shelvey of Sandwich said lately to a Gentleman of that Towne that if the King came thither he would shoot the Rogue, for which hee was imprisoned by the Maior now being, it was resolved by the High Court of Parliament, that these words were but a misdemeanour; and so hee was released againe.

Ans. the House of Commons, which you call the High Court of Parliament, did not so much deliver their judgement in the case aforesaid, as betray their disaffection in it to His Ma. esty, whose Person they endeavour to destroy that they may keep his power still amongst themselves. Or if they did it was a very false and erroneous judgement, directly contrary unto the resolution of my Lords the Judges and other Sages of the Law in all former Ages, by whom it is affirmed exp. ly, that if any man doe compass or imagine the death of our Lord the King (as all Rebels do) and doth declare the same imagination by any overt fact, either deed or word, he shall suffer judgement as a traitor, licet si id quod in voluntate habuit, ad effectum non perduxeris. as f Bracton hath it, although it do not take effect, and goe no farther then the thought or purpose of the first contriver. Upon which ground it was, no question, that Shimei suffered death by the hands of Solomon. For although David spared him upon submission because he would not intermix the joy of his returne unto Ierusalem with any sad and mournfull Accident (as that must needs have been unto Shimei's friends, 2 Sam. 19. 22. yet he gave order to his sonne to bring his hoary head down to the grave with blood, because he had cursed him with a grievous curse in the day when he went to Mahanaim, 1 Kings 2. 8. which was accordingly performed by Solomon. v. 46.

6. *Quest.* But Shimei's case can be no Precedent to us, who are not governed by the Judicial Law of Moses, but by the

COMMON LAW

o Mere Anl.
Sept. 25.

d V. Stam.
fords Plees
cap. 2. Coke
on Littleton
1. 2. cap. 11.
sect. 100.
o Stat. 25. E.
3. cap. 2.
f Bract. 1. 2.

common Law of England, and the ruled cases in that Law. And therefore tell me if you can, whether our owne Bookes doe afford you any of the like examples.

Answ. Our owne bookes doe afford us many; as viz. in the case of *Walker* a Citizen of London, and that of *Mr. Burdett* an Esquire of *Warwickshire*, both exempted in the time of King *g^d Speed.* *Edward* the 4. for words which might be construed to a treasonable and rebellious sence, though perhaps no ill meaning was and others intended; that of the *Windors* h *Burcher* in the reigne of King in the life *Henry* 8. for saying that rather then sell his meat as so meane a of *Edw.* 4. rate, he would send it to the Rebels in the North; and finally of *h* *Idem.* in one *Old* all, one of the Yeomen of the Guard in *Queen* *Maries* Hen. 8 time, i who had judgement of death for certain traitorous and i Common seditious words spoken against her Majesty, although no intire- in his Book rection or Rebellion did ensue upon them. For the particulars, of *Justices.* I must referre you to our law bookes and the common *Chronicles.*

7. *Quest.* Proceed we now unto the third and last sort of Rebellion, and tell me what you meane by the Rebellion of the hand, and how many sorts there are of it?

Answ. The Rebellion of the hand is of two sorts, whereof the first is the composing and dispersing of false & scandalous Books & Pamphlets, tending to the dishonour of the King, His Subordinate Officers, and Form of Government, of purpose to alienate the affections of his Subjects from him, & make them the more apt to *Rebell* against him. And this is punishable with death; also by the law of *England*, as may appeare by the examples of *k* *Bugnall*, *Scot*, *Heath* and *Kennington*, being Sanctuary men. in *k* *Stow.* in *S. Martins* le grand *London.* who had judgement to be hanged, *Hen.* 7. drawne and quartered in the time of King *Henry* 7. for setting up seditious Bills to the scandall of the King and some of his Council: of *Penry*, *Vdall*, *Barrow*, *Greenwood*, *Strudley*, *Billott*, and *Bowdler*, 1 zealous Puritans all, all of which were condemned *Id.* in *Eli-* zabeth time, for writing treasonable and seditious Books, by which the peace of the Kingdom might have been disturbed, though no Rebellion followed on them: of *Copping* and *Thacker*, m who were hanged *m* *Holling.* at *S. Edmundsbury* in the said *Queenes* time, for publishing the in the life of Pamphlets *Qu.* *Elizab.*

Pamphlets writ by Rob. Browne against the Book of Common Prayer; which Compton thus reports in his *Lawyers French*, *n Deux executez pour poublier les livres de Robert Browne, en son his book of contre le livre de common praut* And finally witness the example of Mr. Williams * a Barrister of the Middle Temple who was executed in King James his reign for writing a defamatory Book, against the said King and his posterity

8. Quest. *What is the other sort of that Rebellion, which you call the Rebellion of the hand?*

Ans. The other sort of the Rebellion of the hand, is that which commonly is called *actual Rebellion*. and is defined by the Statute of the 15. of King Edward 3. p to be a *levying of Warre against our Sovereigne Lord the King in his Realme, or an adhering to the Kings Enemies in his Realme, giving to them ayd and comfort in the Realme or els where.* And so it is determined also in the *Civill Lawes*, by which all those, *q qui arripunt arma contra eum cuius iurisdictioni subditi sunt*, who take up Armes against such persons to whose authority they are subject, are declared to be *Rebells*. Where note, that the *open Act* not only but the attempt and machination is brought within the compasse of Rebellion. *Rebellio ipse actus rebellandi est, qui non solum facta sed machinatione committitur*, as those *Lawyers* tell us. And it is worth our observation that not only the *bearing Armes* against the King is declared to be Rebellion: by the law of *England*, but that it was declared to be Rebellion by the chief Judges of this Kingdome at the arraignment of the Earle of *Essex* (the Father of him who now is in the head of this *Rebellion*) for any man to seek to make himself so strong, that the King should not be able to resist him although he broke not out into open act.

9. Quest. *What is the end that Rebells doe propose unto themselves, when they put themselves into Rebellion?*

Ans. The deposition and destruction of the King in possession, and an alteration of the present government. And so it was determined by the joynt content of all the Judges at the arraignment of the Earle of *Essex* above mentioned, by whom it was resolved for *Law*, that in every Rebellion there was a plot upon the life and depoytion of the Prince; it being not to be

conceiv'd

n Compton
in his book of
Justices.
* Howes ad-
dition to
Stowes
Chronicle.

pCap. 2.

q Sniigel in
Lexico iur.
Civil.

s Bartolus in
Constitut.
Hen. 7.

f Camden
Annal. Eliz.
An. 1601.

i Camden
Ibid.

conceived that the *Rebells* would suffer him to *live* or *reigne*, who might have opportunity in the change of things to punish them for their *Rebellions*, and avenge himselfe upon them for their *Treasures*. And this they did confirme by the *Civil Law*, and further justifie and confirme by the strength of reason which it seemed inconsistent, *ut quod semel Regius dixerit*, that he who had once over-ruled his King by force of *Armes*, should either suffer him to *live* or recover the possession of his *Reiaine* againe. All which they made good by the sad examples of King *Edward* the second, and King *Richard* the second, who did not long enjoy either *life* or *Crowne* after they came into the hands of those who *rebelled* against them.

10. Qu. But those examples which you speake of, were in times of Popery; have you the like to shew since the Reformation?

Ans. I would to God we had none such, but we have too many. For not to look into our neighbouring Realme of *Scotland*, and the proceedings of some thereof who called themselves *Protestants* against their *Queene*; the *Rebellion* plotted by the Earle of *Essex* in *Queene Elizabeths* time, (though there was nothing lesse pretended) was to have ended in the death of the *Queene* and the alteration of the government. For as was afterwards confessed by some of his *Accomplices*, the secret part of the designe, was to have seized upon the *Queene*, and secured his *Adversaries* in the Court; whom when he had condemned and executed, *ut Parlamento indicto respub. formam immutaretur*. Id. *ibid.* he then resolved to call a Parliament, and settle a new forme of Government. Which how it could be done, and the *Queene* alive, I beeeve you know not. And so much was acknowledged by the Earle himselfe, after the sentence of death was passed upon him, when he affirmed to certain of her Majesties Councell, *Reginam sospitem esse non posse si ipse superet*, & that whilst he lived it was not possible for the *Queen* to continue in safety. Thus have you seen the main design of that *Rebellion* (as of all others whatsoever;) what his pretences were which he cast abroad, the better to seduce the people, I shall not sick to tell you if you put me to it.

11. Quest. I shall not trouble you with that at this present time. But being you say that levying of warre against the King is properly and truly to be called Rebellion, I would faine aske, whether you meane it onely in such cases where the Subjects take up Armes out of pride and wantonnesse; or in such also when they are necessitated and enforced unto it in their owne defence?

Ans^r. I meane it equally in both cases, though of the two, the former be more odious in the sight both of God and man. For even defensive Armes, as your party calls them, are absolutely unlawfull in the Subject against his So^{er}aigne: in regard that no defensive warre can be undertaken, but it carrieth a resistance in it y to those higher powers, to which every soule is to be subjectt. Which powers being obtained by Almighty God, it followeth by the Apostles Logick (who was a very able disputant) that they who doe resist the powers; resist the ordinance of God, and consequently shal receive to themselves damnation. A rule which tooke such deepe impression in the Primitive Christians, that though for personall valour, numbers of men, and leaders able to conduct them, they were superiour to the adverse party in the Roman Empire: yet they chose rather to expose their lives unto the mercilesse fury of the Persecuters, then take up Armes against their Princes to disturbe the peace of their Dominions, under pretence of standing in their owne defence, being so tyrannically and unjustly handled. For proot whereof we may alledge Tertullian, a Cyprian, b Lactantius, c and some other d Antients, whose words we will produce at large, if you thinke it necessary.

a In Apolog.

b Cyprian

Epistola ad

Demetrium.

c Lactant.

Institut. di-

vin. l. 5.

d Eucher:

Lugdunens.

& alii.

e Mercur.

Britannicus

liber. 19.

12. Quest. You need not put your selfe to that trouble. For we deny not that the ancient Christians did rather chooe to suffer, then to take up Armes; e but when we say, that though they were exceeding numerous, yet they were not formed into States and Kingdomes, and that when they were once estated in lawes and liberties, as in France, Holland, Scotland, Germany, they make no question then to defend themselves. What can you answer unto that?

Ans^r. I trow the Roman Empire was a sould State, as
 Arongy

strongly cemented with all the ligaments of power and policy, as any one of these you mention : and that the Subjects of that Empire had their *lawes* and *liberties*, which as their Ancestors had received from the indulgence of their *Emperours*, and the *Roman Senate*, so they transmitted them to their posterity. And yet when all the Empire had received the faith in the time of *Constantine*, and that no Religion but the *Christian* had publick countenance from the lawes, during the most part of his reigne, and the whole reigne of his three sonnes (which was for 55. yeares, no fewer, the Subjects kept themselves in their former Principles, inso much that when the Emperour *Julian* began to intrench upon their *liberties*, and infringe those *lawes*, which had been granted them by the grace and goodnesse of those Princes; they knew no other way, nor *weapons*, by which to make resistance to such lawlesse violence, but their *prayers* and *vowes*. f And this was all the *medicine* which they had to cure that *malady*. as we finde in *Nazianzen*. The like I could produce from *St. Ambrose* also *Julian*, g. were not this sufficient. And for your instances of *France*, *Holland*, *Scotland*, *Germany*, which you have muttered up to make good your cause; I am sorry for the *Protestant* Religions sake, that you have furnished me with so many examples of *Rebellions* since the Reformation; some of which ended in the *death*, and others in the *deposition* of their naturall Princes, Which was a point you seemed to doubt of in your tenth Question.

13. Quest. But tell me seriously, doe you conceive that all resistance of this kind made by force of Armes, may be called Rebellion; and that there are no cases which may make it lawfull, and warrantable by the lawes of God or man?

Ans. Your question hath two severall parts, and must receive two severall answers. And to the first I answer seriously (it being now no time to trifle) that all resistance of the kind you speak of, not only may be called Rebellion, but is Rebellion in the true & naturall sense of the word. For it (as the *Civilians* say) *Rebellis dicitur srebdiens Principi circa concernentia prepotestatem Imperii*, h. that every one may be said to be a *Rebell* h. *Bartholus* in

who yeeldeth not obedience to his Prince in all such particulars as doe concerne the flourishing estate of his Dominions: assuredly he is a *Rebell* in the highest degree, who takes up *Arms* against his Sovereigne (what ever his pretences be) and by so doing doth embroyle his Kingdomes in all these miseries, which most inseparably are annexed to a *Civil* warre. Now frame the second part of the present *Quere* into a distinct question of it selfe, and I will give such answer to it, as I hope shall satisfie.

14. Qⁿ. My question is, whether the condition of the persons which are engaged in such resistance, the grounds on which they goe, and the end they aime at, make not an alteration in the case: so that resistance qualified by these severall circumstances, become not warrantable by the Laws both of God & Man?

Ans^r. The answer unto this is already made in the booke of **First part of Homilies**; where it is said that "though not onely great multitudes of the rude and rascal *Commons*, but sometimes also men against **Rebellion**. of great *Wit*, *Nobility*, and *Autority*, have moved *Rebellion* against their lawfull Princes; though they should pretend sundry causes, as the *redresse* of the *Common-wealth*, or *Reformation* of *Religion* though they have made a great shew of holy meaning by beginning their *Rebellion* with a counterfeit service of God and by displaying and bearing about divers *Ensignes* and *Banners*, which are acceptable unto the rude ignorant *Common-people*, (great multitudes of whom by such false pretences and shewes they doe deceive and draw unto them) yet were the multitudes of the *Rebells* never so huge and great, the *Captaines* never so noble, politick and witty, the pretences fained to be never so good and holy, yet the speedy overthrow of all *Rebells*, of what number, state or condition soever they were, or what colour or cause soever they pretended, is, and ever hath been such, that God doth thereby shew, that he alloweth neither the *dignity* of any person, nor the *multitude* of any people, nor the *weight* of any cause, as sufficient for which the Subjects may move *Rebellion* against their Princes." So farre the very words of the Book of *Homilies*.

15. Quest. Why doe you tell us thus of the Booke of *Homilies*, composed

composed by a company of ignorant Booke-men, men utterly unskillfull in the Lawes of the Land. Thinke you that we ascribe to them so much authority, as to be over-ruled by them in this case?

Ans. It may be not. But I must tell you, that there was a Statute made in the thirteenth year of Queen Elizabeth, & Stat. 13. tuled, *An Act for Reformation of disorders in the Ministers in the Church, &c.* In which it was enacted amongst other things, that all who were to be admitted unto *holy Orders* or instituted into any *Ecclesiasticall* preferment, should first subscribe unto the *Articles of Religion* agreed upon in *Convocation*, Anno 1562. One of which *Articles* recites the names and titles of each severall *Homily* and approves their Doctrine. So that although the *Homilies* were at first composed by men unskillfull in the *Lawes*, as you please to say, yet they received both strength and approbation from the skillfullest *Lawyers* of those times. convened with the Nobility and Gentry in the Court of *Parliament* and consequently have as much authority as the *Parliament* could adde unto them. But since you are not pleased with this generall answer, give me your doubts and *Queries* in particular, and I see what I can say unto them.

16. *Quest.* First then, I aske, whether if the King become a Tyrant, it be not Lawfull in that case to beare Armes against him?

Ans. Yes, if *G. Buchanan* may be judge, I who tells us plainly, that he would have rewards proposed to such as should kill a Tyrant, as formerly there were for those who destroyed *Wolves*. But if *S. Paul* may rule the case we shall find it otherwise. For if we aske to whom it was that the Apostle did command Subjection to be given even by every soule, to whom it was that he orbad resistance to be made upon pain of *Damnation*, we shall find it was no other then the Emperour *Nero*, in *Rom. 13.* the greatest Tyrant, the bloodiest and most terrible Prince, the v. 1. 2. 3. greatest monster of mankind, that ever yet was borne of woman. Yet *S. Paul* writing to the *Romanes*, over whom he did so cruelly tyrannize, commanded every soule to be subiect to him, not for wrath only, but for conscience sake; and that upon the pain and

perill of *damnation*, no man should be so bold as to *resist* his tow-
 or, or rebell against him. And doubtlesse *Nebuchadnezzar* was
 a mighty Tyrant, one who had taken from the *Jewes*, their
 Lawes, their Liberty, their Religion, o and whatsoever else was
 most dear unto them. Yet were the *Jewes* commanded to sub-
 mit unto him, and patiently to beare the yoke which was laid
 upon them; and not to hearken to their Prophets, nor to their
 Diviners, nor unto their Dreamers (marke it, for this is just
 your case) which speake unto you, sayi. g. ye shall not serve the King
 of Babylon. for they Prophecy a lye unto you that ye should perish.
Jerem. 27. v. 6. Finally, to oppose the saying of an Heathen
 man, unto that wicked speech of him who did pretend so much
 unto Reformation, we find it thus resolved in *Plutarch*, p That
 it was contrary both to positive Lawes. and the Law of Na-
 ture, for any Subject to lift up his hand against the Person of his
 Sovereigne.

p *Plutarch*.
 in *Agis &*
Cleomenis.

17. Quest. Is it not lawfull to beare Arms against Sovereigne
 Princes, for the preservation of Religion?

Ans. Yes, for those men who place Religion in Rebellion,
 and whose faith is faction; but for no men else. The *Jewes* might
 well have pleaded this against *Nebuchadnezzar* when hee de-
 stroyed their Temple, and forbad their sacrifices; and the *Chri-*
stians in *Tertullians* time (when they were at the strongest) a-
 gainst the Emperour *Severus*, who did not only labour to sup-
 presse Religion, but utterly to root out the Professours of it, and
 yet the contrary doctrine was then preached and practised, as
 before was shewed you. What weapons the poore *Christians*
 did make use of in the time of *Julian* the Apostate, in his endea-
 vours to subvert the Gospel, and establish Paganisme againe in
 the place thereof we told you lately out of *Nazianzen*; and shall
 now add that the *Christian* party was then so strong and pow-
 erfull in the Roman Armies, that when *Jovinian* was elected
 Emperour on the death of *Julian*, the Souldiers with one
 voyce cryed out, q That they were all *Christians*. So that
 it was not conscience of their owne weaknesse, nor the
 feare of wrath, but conscience of their duty. and the feare of God,
 which made them patiently submit to the present Storme. Thus
 when

q *Socrus* Es.
Hist. l. 4. c.
 2.

when the younger *Valentinian* endeavoured to supplant the true Religion, and to set up *Arianisme*, to which he strongly was addicted, the Tyrant *Maximus* made offer to *S. Ambrose* of his Armes and forces the better to enable him to resist the *Arians*, and to preserve the true Religion: r but the good Father absolutely refused the offer. And though he was a so well beloved and honoured by the people generally, that he could easily have armed them against the Emperour, & crushed the *Arian* faction in the Court by whom his counsailes were directed; yet he betook himselfe to no other weapons then his Prayers and Teares, the ancient weapons of the Christians. *Coactus repugnare non navi, dolere potero, potero flere, potero gemere; Aliter nec deheo nec possum resistere*; I other resistance knew he none, though pressed and oppressed too, then his teares and prayers. *r Theodor. Hist. Eccl. l. 5 c. 4.*

18. Quest. *What if he violate our Lawes, and infringe our Liberties, may we not then beare Armes against him?*

Ans. Somewhat in answer unto this you received before, in the command imposed upon the *Jewes* by the Prophet *Serai*, not to Rebel or take up Armes (which come both to one) against *Nebuchadnezzar* King of *Babylon*, although he did tyrannize and Lord it over them, that neither their old Lawes nor Liberties were a jot regarded. But that which I shall tell you now, is *S. Pauls* case in the 22. of the Acts. Being brought to plead his own cause, and the Gospel's too, before the Council of *Jerusalem*, in the first entrance to his Plea, the high Priest *Ananias* commanded them that stood by to smite him on the mouth; and sitting there to judge him after the Law. *comman. u Acts 23.* ded him to be smitten contrary to the Law. *S. Paul* upon the apprehension of so great an injury, so plainly contrary unto the Lawes and Liberties of the *Jewish* Subjects, calls him *whited wall*, and threateneth him with vengeance from almighty God. x But finding that it was the High Priest whom he had reviled (who had sometimes the supreme government of the *Jewish* State) he cried *peccavi* out of hand imputed his offence to ignorance. y I wist not, Brethren, that he was the High Priest; and finally condemned himselfe with a *sermon*, saying, u It is written thou shalt not speake evill of the Ruler of thy people; if so, in case we may

not *speake* evill of our Rulers, when they *smile us contrary to the Lawes*, the Subjects Liberty which is the *rebellion of the tongue*; assuredly we may not *take up Armes* against them under those pretences, which is the *rebellion of the hand*.

19. Quest. *What if the King be in the hands of Evill Counsellors, may we not take up Armes to remove them from him?*

Ans. Yes if the Earle of Essex may be Judge. whose Father fell into Rebellion under that pretence. *a ut regnum ab impotentibus quorundam dominatu liberaret*, as to free the Kingdome from some men who had got the Queen into their hands. and consequently ingrossed unto themselves the principall manage-y of the Common wealth. But he had other aimes then that, as before was told you; and so had they that went before him in the selfe same roade. When as *Watt Tiler* and *Jack Straw*, and the residue of that *Rascall Rabble* had tooke up Armes against *K. Richard* the second, they made the *Londoners* beleieve (who have been alwaies apt to be deluded by the like pretences) that when they had seized on the *Evill Counsellors*, b which abused the King and brought them to a legall triall, then they would be quiet. But under this pretence they broke open prisons, robbed Churches, murdered the Kings good Subjects. and finally arrived so high an impudence, that *Watt Tiler* did not stick to say, that *within foure dayes all the Lawes of England should proceed from his mouth*. c And when *Jack* had drawn the *Kentish* to Rebell against *K. Henry* the sixt, he gave it out, that if he could get the King and Queen into his hands, he would use them honorably: d but if he could lay hands on any of the Traitors which were about them. he would take care to see them punished for their *misdeameanours*. But in good truth the end and aime of the Rebellion, was to depose *K. Henry* and the house of *Lancaster*, in favour of the title of the Duke of *Yorke*.

20. Quest. *What if the King assaults a Subject, or seeks to take away his life; may not the Subject in that case take up Armes against him?*

Ans. Yes, if *Parau* may be judge, and some of the *Genevian* doctors would have so determined. But *Dauids* case, which

com-

a Camden.
Annal. Eliz.
Anno 1600.

b Holingsh.
in Rich. 2.

c Ibid.

d Id. in the
life of Hen-
ry 6.

e Parau in
ep. ad Rom.
c. 13.

commonly is alledged in defence hereof, if looked on with the eyes of judgement, doth affirme the contrary. For *David* though he had a guard of some friends & followers to save him from the hands of such wicked instruments, as *Saul* in his unjust displeasure might have used against him: yet hee preserved himselfe from *Saul* not by *resistance*, but by *flight*, & by flitting up and downe as the King removed, and approached near him with his Armies. For had he had a thought of war, though *Defensive* meere, 'tis probable hee would have rooke the opportunities which were offered to him, either of seizing on *Saul* person when he had him all a one in the cave of *Engaddi*, or suffering *Abishai* to smite him as he lay asleep in the hill of *Ichilah*. nor at the least in making sure of *Abner* and the host of *Saul*, who lay sleeping by him. But *David* was not so well tutored in the Art of Rebellion, as to secure himselfe this way, and wanted some of our new Masters to instruct him in it. If from the practice of a pious and religious Jew, we will looke downe upon the precept of a grave, wise, and learned Gentile, we shall find this rule laid downe in *Aristotle*, That if the Magistrate assault the person of a private *Subest*, the *Subest* may not strike againe, nor lift hand against him. Finally, that you may perceive how much all sorts of men doe oppose your doctrines, *Calvin* himselfe, although no friend to *Monarchy*, doth affirme thus much *qui privatus manum intulerit &c.* that any private person of what sort soever, who shall lift up his hand against his *Sovereigne* (though a very *tyran*) is for the same condemned by the voice of God.

21. Quest. Perhaps we may so farre agree with you, as to disable private persons from bearing Armes, and lifting up their hands against Kings, and Princes of their owne authority. But thinke you that interiour Magistrates are not enabled by their offices to protect the people, and arme them if occasion be in their owne defence?

Ans: I trust that some Divins of the Reformed Churches, who either lived in popular States or had their breeding at Geneva, or thought the Discipline by them defended could not be otherwise obtruded upon Christian Princes, then by putting

k Aristot. in Polit.

l Calvin 1^o Instit. l. 3. c. 20. § 16.

the sword into the hands of the people, have spared no pains to spread abroad this dangerous doctrine; in which they have not wanted followers in most parts of *Christendome*. But *S. Paul* knew of no such matter, when hee commanded every soule to yeeld obedience and subjection to the higher powers, and upon no occasion to resist those powers to which the Lord had made them subject. So that although inferior Magistrates may expect obedience from the hands of those, or whom and for whose weale & governance they are advanced & placed by the Prince in chiefe; yet God expects that they should yeeld obedience to the powers above them especially to the Hight of all. then which there is not any higher. There is a Golden chain in *Polities*, and every link thereof hath some relation and dependance upon that before; so farre forth as inferior Magistrates do command the people according to that power and those instruments which is communicated to them by the *supreme Prince*, the subject is obliged to submit unto them, without any manner of *Resistance*. Men of no publicke office must obey the *Constable*, the *Constable* is bound to speed such warrants as the next *Iustices of the Peace* shall direct unto him; the *Iustices* receive the exposition of the Law from the mouth of the *Judges*; the *Judges* have no more authority but what is given them by the *King*. And thereupon it needs must follow, that though the *Judges* directs the *Iustices*, and the *Iustices* command the *Constables*, and the *Constables* may call the people to their aide if occasion be; yet all must yeeld a free obedience without reluctancy or resistance to the King himself. The reason is because as Kings or *supreme Magistrates* are called Gods Ministers by *S. Paul*, so the inferior or Subordinate Magistrates are called the Kings Ministers by *S. Peter*. n submit your selves to the King as unto the Lord; next, to such Governors as are set (or authorized) by him for the punishment of evil doers. Be it then there is no inferior Magistrate of what sort soever, but as he is a publicke person in respect of those that are beneath him; so is he but a private man in reference to the powers above him; and therefore as a private person disabled utterly (by your own rules) from having any more authority to resist his Sovereign, or beare defensive Armes against him as well as any

in *Rom.* 1.
vers. 4.
in *Pet.* 2.
vers. 14.

any other of the Common people. The government of *States* may be compared most properly unto *Leophrystree*, in which there is one *Genus summum*, and many *genera subalterna*. Now 'tis well knowne to every young *Logician* who hath learnt his *Predicables*, that *Genus subalternum* is a *species* only as it looks up to those above it; a *Genus* in relation unto these below it. If you have so much *Logick* in you as to make application of this note to the present case, you will perceive *inferiour Magistrates* to be no *Magistrates* at all as they relate unto the King the *Genus summum* in the scale of government, and therefore of no more authority to *resist* the King, or call the people unto armes, then the meanest *Subiect*.

22. *Quest.* If so, then were the Christian Subject of all men most miserable, O in being utterly deprived of all ways and means, by which to free his Country from oppression and himselfe from Tyranny. And therefore tell me if you can, what would you have the Subiect doe in these extremities, in which you have deprived him of all means to relieve himselfe?

O *Mer. Brit.*
numb. 19.

Ans. That which the Lord himselfe prescribed, and the *Saints* have practised. When first the Lord acquainted those of the house of *Israel*, how heavily he took their violence and importunity in asking for a King, had pulled upon them; he told them of no other remedy for so much affliction, but that they should cry out in that day, because of the King whom they had chosen.

p No casting off the yoke when we find it grievous, nor any way *p* *1 Sam. 8.*
to make it lighter & more pleasing to us, then either by address *verf. 18.*
sing our complaints to the Lord our God, or tendering our *Petitions* to our Lord the King. Kings are accountable to none but God, if they abuse the power which he gives unto them: nor can we sue them for a trespass, in any other Court, then the Court of heaven. Therefore when *David* had defiled the wife, and destroyed the husband, he thought himselfe responsible for it unto none but God, against whom only he had sinned, as he saith himselfe. And thereupon *S. Ambrose* gives this gloss on those words of *David*. *Homini ergo non peccavit cui non tenebatur obnoxius.* *p* *Psa. 51. 4.*
r *David*, saith he, confesseth no offence to man, by whom he *p* *Ambros.*
in lucum.

Acts, which they want power to doe themselves; for no man can conferre a power upon any other which is not first vested in himselfe; according to that good old rule, *Nemo dat quod non habet*. And therefore if it be rebellion in the English Subject out of times of Parliament, to levie warre against the King in his Realme, or to adhere unto his Enemies, and be ayding to them: I know not how it can excuse the Members of the two Houses of Parliament from comming within the compasse of that condemnation, if they commit such Acts in time of Parliament, and under the pretence of the power thereof, which are judged Treason and Rebellion by the Lawes of England.

24. Quest. But Master Prynne hath learnedly removed that rub, & whetels you that the Statute of 15. Edward 3. runnes (onely) in the Singular number. If a man shall levie warre against the King, and therefore cannot be extended to the Houses, who are many and publicke persons; What can you answer unto that?

x In his dis-
loyalty of
Papists, &c.

Answer. That M. Pryn having so often shewen malice, may have a little leave sometimes to shew his follie, and make some sport unto the Kingdome in these wofull times: for if his learned observation will hold good in law, it is not possible that any Rebellion should be punished in a legall way; because so many (and some of them perhaps may be publicke persons, are commonly engaged in actions of that wicked nature. And I suppose that M. Prynne with all his learning, did never reade of a Rebellion, that is to say, of a Warre levied by the Subject against his Sovereign, plotted and executed by one man onely in the Singular number. Had Master Prynne affirmed on his word and credit, that the Members of the two Houses were not men but gods, he had then said somewhat which should have freed them from the guilt and danger of the dreadful Statute. If he admit them to be men, and grant them to have levied warre against his Majesty, or to be ayding to the Rebells now in arms against him, he doth conclude them to be guilty of this great Rebellion, with which this miserable Kingdome is almost laid desolate. His sophistrie and trimme distinctions touching their quality and numbers will but little help them.

25. *Quest.* We have another plaster which will salve that sore, viz the difference that is made betwene the Kings Person and his Power, by which it is made visible to discerning eyes, that though the Parliament have levied war against the Person of the King, yet they doe not fight against his Power but defend it rather. And 'tis not a resistance of the Person but the Power of Princes which is forbidden by Saint Paul. How doe you like of that distinction?

Ans. As ill, or worse then of the other, as being of the two the more serious folly; and coming from an Authour no lesse iacobious (but far more learned I confesse) then your other was. For if I doe remember right, Buchanan was the first that broached this Doctrine in his Booke *De iure regni apud Scotos*; in which he tells us that *S. Paul* in the place aforesaid doth not speake of *Magistrates*, Sed de *functione & officio eorum qui alii presunt*, but of the *Magistracie* it selfe, the function or office of the *Magistrate*, which must not be resisted though his Person may. Which foolish fancie serving 't'ry for a cloake or vizard, wherewith to palliate and disguise *Rebellions*, hath since been often used by those who pursue his principles, (though never worn so thred-bare as of late in your treacherous Pamphlets :) but daweeth rather it as many and as grosse aburdities as the other did. For by this strange division of the King from himselfe, or of his Person from his Power, a Traitor may kill *Charles*, and not hurt the *King* destroy the *man* and save the *Magistrate*, the power of the *King* in one of the Armies may fight against his person in the other Army. his own authority may be used to his owne destruction, and one may lawfully set upon him beat, assault and wound him in order to his preservation. So that you make the King like *Sofia* in the ancient Comedy who being well beaven and demanded who it was that did it, made answer, *Ego met, memet, qui nunc sum domi* 2, that *Sofia* who was at home in his masters house, did beat that *Sofia* which was abroad in his masters business. But questionlesse Saint Paul did better understand himselfe then either Buchanan, or any of his followers since his times have done: who doth interpret the word

Plant. in Amphitr. Act. 2.

word *power*. which hee useth in the first and second verses, by that of *Principes & Ministri, Rulers and Ministers*, which hee useth in the third and fourth: which as it plainly shewes that he meaneth the *Magistracy*, and not the *function* or the *office*, as your masters tells you; so doth it leave you liable to the wrath of God, if you endeavour to defend their wicked and rebellious courses by such wretched shifts.

20. *Quest. What say you then if it appeare that the two Houses of Parliament, (for I use your termes) are not subordinate to the King, but coordinate with him y: I hope then you will yeeld so farr that the two Houses have a power if they cannot otherwise provide for the common safety, to arme the People of the Realme against Him, as against an Equall?*

*Y Observa-
tions on his
Majesties
Answers.
C^o.*

Ansiv. We grant indeed that people which have no superiour but stand on equal termes with one another, if injured by their neighbours, and not receiving satisfaction when they doe desire it may remedy themselves by force, and for so doing by the Law of Nations, are esteemed just enemies, but so it is not in the point which is now in question the Realme of England (as it is declared by Act of Parliament) being a *Empire, governed by one supreme Head and King, having the dignity & royall estate of the Empire. The Crown of the same, unto whom al body politike compitt of all sorts and degrees of people, divided in termes and by the names of Spirituality and Temporality, been bounden and ought to beare next to God a naturall and humble obedience.* And surely had the Lords & Commons then assembled conceived themselves coordinate with the King in the publicke Government, they would not have so wronged themselves and their posterity, as to have made this declaration and acknowledgement so prejudiciall thereunto, not onely in a Parliament time, but by Act of Parliament. Besides, if this coordination which you dream of could be once admitted it needs must follow the euphony that though the King hath no Superiour, he hath many Equals, and where there is equality there is no subjection. But Bracton te sayes in plain termes, not only that the King hath no superiour in his Realme, except God alone, but that he hath no Equal, neither

*Stat. 24.
H. 3 ca. 13.*

6 Bralton l. neither, *Parens autē non habet in regno suo*. as his words there are 6.
 2. c. 8. sect. 5. And then he gives this reason of it, *Quia sic amitteret præceptum,*
cum pater in darent non habet imperium because he could not have
 an *Equall* but with the losse of his Authority & Regall Dignity,
 considering that one *Equal* hath no power to command another.
 Now lest you should object that is spoken of the King out of
 times of *Parliament*, but that when once the *Lords* and *Commons*
 are convened in *Parliament*, the case is otherwise. First you must
 thinke that had this Doctrine been on foot in the times prece-
 ding, it would have bin a greater impediment unto frequent *Par-*
liaments: and that our Kings (as others) being very zealous even
 of the smallest points of *Soveraignty*, would not admit of *part-*
ners in the *Crown Imperiall*. By the assembling of a *Parliament*, ha-
 ving been used to reigne alone without any *Rivals*. And secondly,
 you may call to mind, that even *sedente Parlamento*, during the
 sitting of the Court, the *Lords* and *Commons* call themselves *His*
Majesties most humble and obedient *Subiects*, which is not onely
 used as a stile of course in such *Petitions* as they use to preferre un-
 to him (and by the way, 'tis not the use for men of *equall* pow-
 er to send *petitions* unto one another) but it is the very phrase
 in some *Acts* of *Parliament* for which I do referre you to the
 booke at large. And if they be his *Subiects* as they say they be,
 they cannot be his *Equalls*, as you say they are; and therefore
 not *coordinate* with him, but *subordinate* to him; by consequence
 the levying warre against the King no more excusable in them
 than the meanest *Subiect*.

e 25. H. 8.
 c. 22. &c.

37. Quest. You take great paines to make the *Parliament*,
 or the two *Houses*, as you call them, to be guilty of *Rebel-*
lion against his *Majesty* without ground or reason. For tell
 mee seriously, thinke you the *Parliament* hath nor power
 to arme the people, and put them into a posture of defence
 against the *Enemies* of the *Kingdome*, if they see occa-
 sion?

Ans. Yes. if the King doe give consent, and that there be
 such *Enemies* against whom to arme them. For properly, ac-
 cording to the ordinary rules of *Polities*, there is no power of
 raising Forces, and putting the people into armes; but onely in
 the

the Prince or Supreme Magistrate. The Civill Lawes have so resolved it. *Nulli prorsus nobis in seis & inconsultis quorumlibet armorum movendorum copia tribuatur* d; let none presume to d *Constitu.* levy Forces, whatsoever the pretence or occasion be, without *Pal. utin.* & our privy or consent, saith the *Constitution.* If you consult *Palent.* with the *Divines.* Saint *Austin* a most learned Father, will informe you thus, that the naturall course and arts of Government accommodated to the peace and welfare of us mortall men doe require thus much. *Vt suscipiendi belli autoritas atque consilium penes principes sit, e,* that all authority of making warre and levying forces appertain only to the Prince. And if you please to looke on *Bracton.* or any of the Lawyers of your native Country, they will tell you this, that the *materiall sword* is put into the hands of the King by Almighty God sithat by the *materiall sword* is meant a power and right to looke to the defence and preservation of the Kingdome, and that it is no lesse then *Treason* to enter into any *associationg.* or to raise a warre without the Kings consent, or against his will. And this the *Houses,* as it seemes, understood full well, when purposing to *levie forces* to begin the warre, they took the *Kings authority* along for company, & raised them in the name of the *King and Parliament.* the better to seduce the People to a *blinded Rebellion.* As for the *Enemies* of the Kingdome against whom the *Subjects* were to *arme* themselves by the appointment of the *Houses,* I can tell of none; no nor they neither as I take it, unless they saw them in their dreames. And for your *posture of defence,* as you please to phrase it, (besides that I have proved before, that even *defensive Armes* are absolutely unlawfull on the *Subjects* part) the warre hath been *offensive* plainly on the part of the *Houses,* which as it was contrived and followed without the least colour of *necessity* to induce them to it, so did it aime at nothing else then the destruction of the *King,* and the alteration of the Government, which are the purpose and designe of all *Rebellions* as before was told you.

28. *Quest.* How prove you that the Parliament did begin the warre, that on their parts it was offensive, not defensive only, or that they had a purpose to destroy the King; if you can make this good you shall gaine me to you?

D

Answ.

e August.

Bract. l. 1.

c. 8. (et. 4. &

l. 1. c. 24.

g Proclam.

Feb. 16.

1642.

Anſw. This point hath been ſo agitated and diſcourſed already, it were but labour loſt to ſpeake further in it. The *Votes* and *Orders* of the Houſes for putting the Kingdome into a poſſure of warre, the taking into their own hands the whole *Militia* of the Kingdome, raiſing of money, men, and horſes, in all the quarters of the Land, muſtering their new-raiſed Horſe and Foot in *Finsbury* fields and *Tuttle* fields. ſeizing upon the *Arms* and *Ammunition* which the King had bought with his own money, and laid up in his own *Magazines*, before the King had either money enough to pay a Souldier, powder enough to kill a bird, or men enough about him to guard his perſon from any ordinary force and violence; what was all this but a *beginning* of the war? and who did this but ſome prevailing men in the two Houſes of *Parliament* under the name and ſtile of the *Lords & Commons*? Then for the *managing* of the warre, if it had beene *deſenſive* onely, as you ſay it was, what needed a *Commiſſion* to the Earle of *Esſex* to *kill and ſlay* all ſuch as oppoſed their doings? What needed they have ſent ſome part of their forces into *Hamſhire*, to plucke the Towne of *Portſmouth* out of the Kings hands, which by reaſon of the diſtance of it could not do them hurt; another into *Darſeſſhire* to beat the Marqueſſe of *Heriford* out of *Sherborne* Caſtle; a third, and that the greateſt part as farre as *Worceſter* and beyond it, to finde the King, and give him battell before hee was within an hundred miles of them? What needed they have ſent their *Emiſſaries* into all the Countieſ of the Kingdome, to put the people into *armes*, in which the King had neither power nor party that appeared for him; or to exhauſt the blond and treaſure of this Nation under pretence of ſerling their own *priviledges* and the Subjects *liberties*, when the King offered more by his frequent Meſſages then they had reaſon to expect? Doubtleſſe they could pretend no danger, as the caſe then ſtood, which might *neceſſitate* them to take a mes in their own *deſence*: and therefore now of late they have changed their termes, and doe not make the warre *deſenſive* mee 1. but in part *preventive* h. It ſeemes their *conſciences* told them what they had deſerved, and ſo for feare the King might right himſelfe upon them when he was of power, they thought

thought it best to strike the first blow and begin the Quarrell in hope to make such sure work of it, that he should never strike the second. But to say truth, the warre was not *preventive* neither on the Houses part, but a designe that had been plotted long before, and was made ripe for execution, when there was neither ground nor colour to possesse the people with the fancy, that the King intended to rise against them. For what purpose else did Sir Arthur Haslegrave, & Mr. Syme sojourn two years together with Mr. Knightley, to neere the habitation of the good Lord Saye to what end held they correspondence with the discontented party in that countrey, and tooke such paines in canvassing for *Knights and Burgeses* (when this present Parliament was called) in most Counties, &c. Or to what end and purpose had the zealous Citizens so used themselves unto their weapons, frequented the Artillery garden, and stored themselves with Armes in so large a measure, but that they were resolved to be in readinesse when the time should come? This if it were not a *designe*, must be done by *Prophecy*, not in the way of a *prevention*.

39. *Quest.* But to the other point you spake of, touching the purpose which you say they had to destroy the King; can you make any proofe of that?

Ans. I have already told you from the mouthes of our greatest Lawyers, that all rebellions aime at no other end then the destruction of the King, and the change of government; and that this end was aimed at more especially in this particular Rebellion. I shall tell you now, you cannot chuse but call to minde with what heat and violence, multitudes of the rascall people, as they looked towards Westminster, clamoured against his sacred Majesty, even at White-hall Gates; and how seditiously they expressed the secrets of their traitorous hearts, some saying openly as they passed along, that the King was the Traitor; some, that the young Prince would governe better; and others of a more transcendent wickednesse, that the King was not fit to live. Next look upon 1 L. Digbys these very men, (for out of them the body of their Army was at Apol. p. 13. first compounded) trained to the Warres, well armed, and marching furiously to find out the King, against whose sacred person,

and most precious life, they had before expressed such a dangerous malice. Then add to this, that when they came unto *Edge-Hill*, they bent their Cannon more especially and spent the hottest part of their shot and fury towards that part of the battle in which (according unto that advertisement which the villaine *Blague* had given their Generall, a man as full of discontent and malice as the worst amongst them) the King in person, and the two young Princes meant to be. Put this together, and compare it with some subiequent passages which have beene desperately vented in the house of *Commons* (touching the deposition of the King) without check or censure; and the inviting of a foreign Nation to invade this Kingdom, the better to effect their buinesse, and tell me if you can, what is aimed at else, then the destruction of the King, and his Royall issue.

30. *Quest.* I must confesse you put me to it, but I must take some time to consider of it, before I tell you what I thinke. In the meane season I have one more doubt to propose unto you, which if you can remove, I am wholly yours. The name of Parliament is sacred to me, and I am loth to scruple any of those actions, which receive countenance and authority from that awfull body, Can you make prooffe that the party which remains at Westminster have not the full authority of the two Houses of Parliament. If you could make that cleare, then the worke were done?

Answ. I dare not take that task upon me; it is too invidious; but I shall offer these few things to your consideration. First, it would seriously be considered, whether the King, whose presence, as the head of that awfull body, gives life and motion to the acts and results thereof, do purposely absent himself to make their consultations frustrate and their meeting fruitlesse; or that he hath been driven from them by force and violence? Secondly, whether such considerable numbers of the *Lords* and *Commons*, as are now absent from the *Houses*, have left the Houses and the service, for no other reason then for compliance with the King, and to serve his ends (in hope of getting honours and preferments by him,) or on the motion made by the rascall multitude, to have the names of these given up, who voted not with *Say* and

Pym,

Pyre, and the other good *Members* of both houses? Thirdly, What mischief would ensue both to the *Church of Christ*, and the *States of Christendom*. If when the greater and sounder part of *Parliaments* and *General Councils* shall be driven away, either by the threats and practices of the lesser, and the worse affected; the lesse and the worse affected part may have the reputation of the whole body, and their actions countenanced by the name thereof? Fourthly, whether it be not one of the greatest prejudices which the *Protestants* have against the Council of *Trent*, k that it was held in an *unsafe place*, which they could not come to without danger; and that the *Prelates* there assembled, were so prelimited by the *Popes* instructions, or awed with an *Italian Guard* which was set upon them, under pretence of safety to their persons, from affronts and injuries, that they had neither freedom to debate the points which were there propounded, nor liberty of suffrage to determine of them? Fifthly, whether the *King* calling the *expulsed party* of the *Lords* and *Commons* to some other place, and *summoning* all the rest also to assemble there, may not with greater reason take unto themselves the name, the power, and reputation of a *Parliament*; then the remaining party now at *Westminster*, consisting seldome of above an hundred *Commons*, and sometimes not above three *Lords*, have challenged and usurped the name of the *two Houses*? Sixthly and lastly,

k *H. Sw.*
Con. *Triden.*
Sleid. & als

31 *Quest. Hold, I must interupt you there. The King by Writ appoints his Parliament to be held at Westminster, and by a subsequent Act or Statute hath so bound himselfe, that he can neither dissolve nor adjourne it without their consent: How can he then remove it to another place, then that which was first appointed?*

Ans. No doubt but he may do it with as good authority as the two Houses, or either of them may adjourn to London, which you cannot choose but know hath been often done, since the beginning of this Session. For though they sit not there as Houses, but by turning the either of the Houses into a Committee of the whole house: yet this is but an Artifice to elude the Writ, and act their business in a place of more advantage. The change is

only in the name, but the power the same. Witnesse those *Votes & Declarations* which they have passed and published in the said *Committees*, as binding and effectuall to their ends and purposes, as any thing transacted in the severall *Houses*. Nor is the place so necessary & essentiall unto the being of *Parliament*, but that the major part with the Kings consent, may change it if they think it profitable for the *Common-wealth*. Otherwise we might say of

1 S. Augst. *Parliament*; as once *Vistorinus* did of Christians, *Ergo episcopi faciunt Christianum?* Is it the place, and not the persons which do make a *Parliament*? Or grant we, that of common courie the *Houses* cannot regularly be *adjourned* to any other place, but the *adjournment* must be made in the *House* it selfe; yet this is but a *circumstance*, or at most a *Ceremony*, not of the substance of the worke. And if that speech of *Cesar* carrieth any weight, (as all wise men conceive it doth) *Legem necessitati cedere oportere* m.

m Val.
Max. l. 3.
o. 7. n. 3.

that even the strictest *Lawes* must yeeld to the necessities and uses of the *Common-wealth*: no question but so slight a *circumstance*, as that of place must needs be thought in the present business, is to give way unto the peace and preservation of this wretched Kingdome.

32. Quest. These points I shall consider of as you have advised; onely at present I shall tell you, that I am very well resolved of the unlawfulnessse of this warre against his Majesty, and thinke them guilty of rebellion, who either laid the plot thereof, or have since pursued it. Tell mee now for the close of all, what punishment the Lawes doe inflict on those who are convicted of so capitall and abhorred a crime?

Ans. You cannot be so ignorant of the Lawes of England, as not to know, that a convicted *Rebell* is condemned to be hanged, drawn, and quartered, his belly to be ripped up, & his bowels to be taken out, whilest he is yet living, his head and limbes to be advanced on some eminent places, for a terrible example unto others. his blood attainted, his estate confiscate, his possessions forfeited. The *Civill Lawes* goe somewhat further, and execute them after death in their Coates of *Armes*, which are to be de-

n Bartolomeo-faced and razed, in what place soever they are found. *Rebellium arm in Reper- arma & insignia delenda sunt, ubicunque inveniuntur* n, as Bartolomeo.

Thus hath it. I end as I began with the Book of *Homilies*; "Turne
 "over and reade the Histories of all Nations, look over the *Chro-*
 "nicles of our owne Countrey, call to mind so many *Rebellions*
 "of old time, and some yet fresh in memory, ye shall not finde
 "that God ever prospered any *Rebellion* against the naturall and
 "lawfull Prince, but contrariwise, that the *Rebells* were over-
 "throwne and slain, and such as were taken prisoners dreadfully
 "executed. Consider the great and noble Hon^{rs} of *Dukes, Mar-*
 "quesses, Earles, and other *Lords*, whose names ye shall reade in
 "our *Chronicles*, now cleane extinguished and gone, and seeke
 "out the causes of the decay, you shall find that not lack of illue
 "and heires-male hath so much wrought that decay, and waste
 "of noble blouds and houses, as hath *Rebellion*.

1 Sam. 26. 9.

*Who can stretch forth his hand against the Lords Anointed, and be
 guiltlesse?*

Prov. 24. 21, 22.

*My son, feare thou the Lord and the King, and meddle not with
 them that are given to change, for their can a may that rege jud-
 dently, and who knoweth the mine of them both?*

FINIS.